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Charlotte, NC 28277

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**OFFICE OF PETITIONS**

In re Application of  
Elbie D. Wallace, Jr.  
Application No. 09/852,867  
Filed: May 10, 2001  
Attorney Docket No. 3077

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 24, 2007, to revive the above-identified application.


The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of November 4, 2005. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is February 7, 2006. A Notice of Abandonment was mailed on May 30, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$395.00, and the submission required by 37 CFR 1.114; (2) the petition fee of \$750.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3629 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

  
Frances Hicks  
Petitions Examiner  
Office of Petitions



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/852,867	05/10/2001	Elbie D. Wallace JR.	

25768  
F. RHETT BROCKINGTON  
10613 KENNEL LANE  
CHARLOTTE, NC 28277

**CONFIRMATION NO. 5149**  
**POA ACCEPTANCE LETTER**



Date Mailed: 12/10/2007

**NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 09/24/2007.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/kainabinet/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199



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09/852,867	05/10/2001	Elbie D. Wallace JR.	3077

22474  
CLEMENTS WALKER  
1901 ROXBOROUGH ROAD  
SUITE 300  
CHARLOTTE, NC 28211

**CONFIRMATION NO. 5149**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 12/10/2007

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 09/24/2007.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/kainabinet/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199